

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CHRIS H. CAVE,

Plaintiff,

vs.

NATIONAL DEFAULT SERVCING
CORPORATION, *et al.*,

Defendants.

Case No. 2:15-cv-122-JCM-VCF

ORDER

MOTION TO STRIKE (#22)

This matter involves *pro se* Plaintiff Chris Cave's civil action under the Fair Debt Collection Act. Before the court is Defendant J.P. Morgan Chase Bank's Motion to Strike Cave's Amended Complaint (#22¹). Defendant National Default Servicing Corporation filed a joinder (#23). Cave opposed (#24) and J.P. Morgan replied (#25). For the reasons stated below, J.P. Morgan's motion is granted.

LEGAL STANDARD

The district court's power to strike pleadings and papers originates from two sources. First, Federal Rule of Civil Procedure 12(f) empowers the courts to "strike from any pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter." *See also* FED. R. CIV. P. 7(a) (defining pleadings as the complaint, answer, and reply to an answer).

Second, the court's authority to manage its docket and regulate the parties' conduct includes "an inherent authority to strike." *Metzger v. Hussman*, 682 F. Supp. 1109, 1111 (D. Nev. 1988); *see also Chambers v. NASCO, Inc.*, 501 U.S. 32, 43 (1991) (recognizing that federal courts have "certain implied powers" that are "governed not by rule or statute but by the control necessarily invested in courts to

¹ Parenthetical citations refer to the court's docket.

1 manage their own affairs so as to achieve the orderly and expeditious disposition of cases”); *accord Ready*
2 *Transp., Inc. v. AAR Mfg., Inc.*, 627 F.3d 402, 404 (9th Cir. 2010).

3 **DISCUSSION**

4 J.P. Morgan’s Motion to Strike (#22) is granted. On February 24, 2015, Defendants appeared and
5 moved to dismiss Cave’s action. (Mot. to Dismiss #5). On April 9, 2015, Cave filed an amended complaint
6 without seeking leave of court or obtaining the opposing party’s consent. This was improper. *See* FED. R.
7 Civ. P. 15(a).²

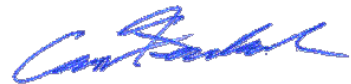
8 ACCORDINGLY, and for good cause shown,

9 IT IS ORDERED that J.P. Morgan Chase Bank’s Motion to Strike Cave’s Amended Complaint
10 (#22) is GRANTED.

11 IT IS FURTHER ORDERED that Chris Cave’s Amended Complaint (#21) is STRICKEN.

12 IT IS SO ORDERED.

13 DATED this 2nd day of June, 2015.

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18 CAM FERENBACH
19 UNITED STATES MAGISTRATE JUDGE
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25 ² Cave moved to file an amended complaint after J.P. Morgan moved to strike the amended complaint. *See* (Mot. to Amend #26). That motion is pending before the presiding district judge.